

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RONNIE JONES, ET AL.,

Plaintiffs,

V.

CITY OF BOSTON, ET AL.,

Defendants.

CIVIL ACTION

NO. 05-11832-GAO

HEARING REQUESTED

**PLAINTIFFS' OPPOSITION TO PSYCHEMEDICS' MOTION TO EXTEND TIME
FOR FILING A RESPONSE TO PLAINTIFFS' MOTION TO STRIKE THE
AFFIDAVIT OF WILLIAM THISTLE**

Psychemedics’ Motion to Extend the Time for Filing A Response to Plaintiffs’ Motion to Strike the Affidavit of William Thistle (“Motion to Extend”) should be denied because Psychemedics has not demonstrated good cause, either for why it should be allowed more time to respond to Plaintiffs’ Motion to Strike the Affidavit of William Thistle (“Motion to Strike”) or why it should be allowed to have until one week after allowance of the Motion to Extend to file its opposition to the Motion to Strike. In support of Plaintiffs’ Opposition to the Motion to Strike, Plaintiffs state as follows:

1. On June 14, 2007, pursuant to Local Rule 7.1(A)(2), the undersigned counsel spoke to J. Allen Holland, Jr., counsel for Psychemedics, to notify him that Plaintiffs would be filing the Motion to Strike and needed to confer with Mr. Holland under the Local Rules in an attempt to resolve the issues in dispute. Mr. Holland acknowledged the purpose of the call and agreed that Plaintiffs had complied with Local Rule 7.1(A)(2) regarding the filing of the Motion to Strike.

2. On June 15, 2007, the undersigned filed the Motion to Strike (Docket Number 48) and a Memorandum in Support of the Motion to Strike (Docket Number 49). Plaintiffs' Motion

to Strike and the Memorandum in Support of the Motion to Strike were served electronically on all parties, including Mr. Holland and his administrative assistant, by the Court's ECF system. Copies of *two* separate ECF e-mail notices received by the undersigned counsel (one for the Motion to Strike and one for the Memorandum in Support) are attached hereto as Exhibit A. Both notices state that the pleadings would be "electronically mailed" to Mr. Holland at "jaholland@lynchbrewer.com" and "rreale@lynchbrewer.com."

3. An opposition to the Motion to Strike, if any, was due on June 29, 2007, two weeks after it was filed. To date, Psychemedics has not filed an opposition to the Motion to Strike.

4. Psychemedics submitted the Motion to Extend almost two weeks after its opposition to the Motion to Strike was due, but, as of the date of this filing, Psychemedics has not filed its opposition to the Motion to Strike. Instead, Psychemedics seeks to have until one week after the Court rules on its Motion to Extend to submit an opposition to the Motion to Strike. In other words, Psychemedics seeks more time to file an opposition to the Motion to Strike than it would be entitled to under the rules.

5. After the June 14, 2007 Local Rule 7.1(A)(2) conference described in paragraph 1, Psychemedics was aware that Plaintiffs would file the Motion to Strike. Thus, even if Psychemedics' counsel did not receive either of the two notices concerning the Motion to Strike or the Memorandum in Support of the Motion to Strike¹, good cause cannot be shown to justify

¹ The Motion to Extend does not attach an affidavit from either Mr. Holland or his administrative assistant regarding what they did to confirm that they did not receive either of the Court's two separate e-mail notifications regarding the filing of the Motion to Strike and the Memorandum in Support of the Motion to Strike on June 15, 2007. Nor does the Motion to Extend state: 1) that neither Mr. Holland nor his administrative assistant received an e-mail notice of the Memorandum in Support of the Motion to Strike on June 15, 2007, or 2) that Mr. Holland (or anyone else representing Psychemedics) did not check the Court's docket between June 15, 2007 and July 12, 2007. Regardless, long before July 12, 2007, Psychemedics was either aware, or should have been aware, that Plaintiffs had filed the Motion to Strike, and Psychemedics does not have good cause for the relief requested in the Motion to Extend.

any purported failure to check the Court's docket regarding the status of this case as applicable to Psychomedics.

6. Psychomedics' Motion to Extend should be denied on the independent ground that opposing the Motion to Strike would be futile for the reasons set forth in Plaintiffs' Memorandum in Support of the Motion to Strike. The Affidavit of William Thistle, Psychomedics' General Counsel, must be stricken from the record or disregarded because it: (1) contains several opinions on issues of law that are reserved for the Court; (2) contains factual assertions as to which Mr. Thistle has no personal knowledge; and (3) makes contradictory, misleading, and immaterial assertions.

WHEREFORE, Plaintiffs respectfully request that the Court DENY Psychomedics' Motion to Extend, GRANT Plaintiffs' Motion to Strike, and GRANT any such other, further relief as the Court deems just and proper.

Respectfully submitted,

Ronnie Jones, Richard Beckers, Walter Washington, William Earl Bridgeforth, Shawn N. Harris, Eugene Wade George C. Downing, Jr., Clararise Bristow, and the Massachusetts Association of Minority Law Enforcement Officers,

By their attorneys,

/s/ Robert B. Baker

Louis A. Rodriques, BBO # 424720

Rheba Rutkowski, BBO # 632799

Raquel J. Webster, BBO # 658796

Robert B. Baker, BBO # 654023

Eric A. Heining, BBO # 664900

BINGHAM McCUTCHEN LLP

150 Federal Street

Boston, MA 02110

(617) 951-8000

Nadine Cohen, BBO # 090040

Lawyers' Committee for Civil Rights

Under Law of the Boston Bar Association
294 Washington Street, Suite 443
Boston, Massachusetts 02108
(617) 482-1145

Maricia Woodham, BBO # 600886
SABEL & SABEL, P.C.
Hillwood Office Center
2800 Zelda Road; Ste. 100-5
Montgomery, AL 36106
(334) 271-2770

Dated July 20, 2007

CERTIFICATE OF SERVICE

I hereby certify that, on July 20, 2007, a true copy of the above document was served upon the attorney of record for each other party and counsel for Psychemedics, J. Allen Holland, Jr., electronically via the ECF/CM and by facsimile.

/s/ Robert B. Baker

Exhibit A

Baker, Robert B.

From: ECFnotice@mad.uscourts.gov
Sent: Friday, June 15, 2007 3:27 PM
To: CourtCopy@mad.uscourts.gov
Cc: zz calendar dept bos
Subject: Activity in Case 1:05-cv-11832-GAO Jones et al v. City of Boston, Boston Police Department et al Motion to Strike

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered by Baker, Robert on 6/15/2007 at 3:27 PM EDT and filed on 6/15/2007

Case Name: Jones et al v. City of Boston, Boston Police Department et al
Case Number: 1:05-cv-11832
Filer: Massachusetts Association of Minority Law Enforcement Officers
Richard Beckers
Ronnie Jones
Walter R. Washington
William E. Bridgeforth
Shawn N. Harris
Eugene Wade
Georger C. Downing, Jr
Clararise Bristow

Document Number: 48

Docket Text:

MOTION to Strike [45] Memorandum in Opposition to Motion, *Including All References to the Content of the Affidavit of William Thistle Attached as Exhibit C* by Walter R. Washington, William E. Bridgeforth, Shawn N. Harris, Eugene Wade, Georger C. Downing, Jr, Ronnie Jones, Clararise Bristow, Massachusetts Association of Minority Law Enforcement Officers, Richard Beckers.(Baker, Robert)

1:05-cv-11832 Notice will be electronically mailed to:

Amy E Ambarik ambarika.bpd@ci.boston.ma.us

Robert B. Baker robert.baker@bingham.com

7/20/2007

Nadine M. Cohen ncohen@lawyerscom.org

Mary Jo Harris mharris@morganbrown.com

John A. Holland , Jr jaholland@lynchbrewer.com, rreale@lynchbrewer.com

Nicole Murati Ferrer Nicole.MuratiFerrer@cityofboston.gov

Louis A. Rodriques louis.rodriques@bingham.com

Rheba Rutkowski rheba.rutkowski@bingham.com

Raquel J. Webster raquel.webster@bingham.com

Maricia D. Woodham mwoodham@sabellaw.com, mcrawley@sabellaw.com

1:05-cv-11832 Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:yes

Electronic document Stamp:

[STAMP dcecfStamp_ID=1029851931 [Date=6/15/2007] [FileNumber=1925974-0
] [5950f257f9e406cad9e825ef8f32e913dd8654ed6d6bdcf9c5fec3e0ce2845248d7
bcd8d925a3fc06e00f43dd44b47cfa4e96405e79cd838cffe3fa2bc0ef6fa]]

=====
This message for <robert.baker@bingham.com> has been cc'd to the local Bingham McCutchen LLP
litigation docketing department per the Docketing - Bos email routing policy.
=====

Baker, Robert B.

From: ECFnotice@mad.uscourts.gov
Sent: Friday, June 15, 2007 3:29 PM
To: CourtCopy@mad.uscourts.gov
Cc: zz calendar dept bos
Subject: Activity in Case 1:05-cv-11832-GAO Jones et al v. City of Boston, Boston Police Department et al
Memorandum in Support of Motion

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered by Baker, Robert on 6/15/2007 at 3:29 PM EDT and filed on 6/15/2007

Case Name: Jones et al v. City of Boston, Boston Police Department et al
Case Number: 1:05-cv-11832
Filer: Massachusetts Association of Minority Law Enforcement Officers
Richard Beckers
Ronnie Jones
Walter R. Washington
William E. Bridgeforth
Shawn N. Harris
Eugene Wade
Georger C. Downing, Jr
Clararise Bristow

Document Number: 49

Docket Text:

MEMORANDUM in Support re [48] MOTION to Strike [45] Memorandum in Opposition to Motion, *Including All References to the Content of the Affidavit of William Thistle Attached as Exhibit C* MOTION to Strike [45] Memorandum in Opposition to Motion, *Including All References to the Content of the Affidavit of William Thistle Attached as Exhibit C* filed by Walter R. Washington, William E. Bridgeforth, Shawn N. Harris, Eugene Wade, Georger C. Downing, Jr, Ronnie Jones, Clararise Bristow, Massachusetts Association of Minority Law Enforcement Officers, Richard Beckers. (Baker, Robert)

1:05-cv-11832 Notice will be electronically mailed to:

Amy E Ambarik ambarika.bpd@ci.boston.ma.us

7/20/2007

Robert B. Baker robert.baker@bingham.com

Nadine M. Cohen ncohen@lawyerscom.org

Mary Jo Harris mharris@morganbrown.com

John A. Holland , Jr jaholland@lynchbrewer.com, rreale@lynchbrewer.com

Nicole Murati Ferrer Nicole.MuratiFerrer@cityofboston.gov

Louis A. Rodriques louis.rodriques@bingham.com

Rheba Rutkowski rheba.rutkowski@bingham.com

Raquel J. Webster raquel.webster@bingham.com

Maricia D. Woodham mwoodham@sabellaw.com, mcrawley@sabellaw.com

1:05-cv-11832 Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:yes

Electronic document Stamp:

[STAMP dcecfStamp_ID=1029851931 [Date=6/15/2007] [FileNumber=1925982-0
] [c9354eddc105cb14bb13a8ab1e6554bd991ea13847e6612f57cb6a641e2914ee64
c557868c6e57204b43ef10802c3a6cc7b4c83162f00eea41895680ceef72d]]

=====
This message for <robert.baker@bingham.com> has been cc'd to the local Bingham McCutchen LLP
litigation docketing department per the Docketing - Bos email routing policy.
=====